

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROXANNE K. BARRY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 1:20-cv-00619-BAM

**ORDER REGARDING STAY OF
ACTION**

On April 30, 2020, Plaintiff Roxanne K. Barry, proceeding through counsel, filed the complaint in this action seeking review of a decision of the Commissioner of Social Security. (Doc. No. 1.) On April 30, 2020, the Clerk of Court notified the parties that, pursuant to General Order Number 615, this action had been stayed pending further order of the Court. (Doc. No. 2.)

General Order Number 615 provides that the stay of civil matters involving the Commissioner is to be lifted on a rolling basis automatically in an individual case when either: i) the Commissioner files a proof of service showing that the certified administrative record has been served on Plaintiff; or ii) the Commissioner files the certified administrative record. Thus, to be effective, the General Order contemplates issuance of a summons and service of the complaint. The Court therefore finds it appropriate to temporarily lift the stay in this case in order to permit service of the summons and complaint on the Commissioner. The stay will be reinstated, as necessary, following service of the complaint.

Accordingly, it is HEREBY ORDERED that:

1. The stay of this action is lifted for the limited purpose of issuing summons and

serving the summons and complaint;

2. The Clerk of Court is directed to issue summons and new case documents, including a Scheduling Order (Social Security Appeal), Order Re Consent or Request for Reassignment, and notice and form of consent to proceed before a magistrate judge; and

3. Plaintiff shall serve the summons, complaint, notice and form of consent to proceed before a magistrate judge, a copy of the Scheduling Order, and a copy of this order on the Commissioner and file proof of service with the Court.

IT IS SO ORDERED.

Dated: September 3, 2020

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE